

# CU Boulder Clery Act Training



University of Colorado  
Boulder

# What is the Clery Act?

# Overview

In 1986 Jeanne Clery was raped and murdered in her dorm room at Lehigh University.

Her family worked with Congress to enact the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (Clery Act) in her memory.



# Overview

The goal of the Clery Act is to ensure that students, prospective students, parents, and employees have **access to accurate information** about **crimes** committed on campus and about **campus security procedures**.



# What is the Clery Act?

- The Act (along with implementing regulations) requires institutions to make certain disclosures
  - **Annual Security Report**
    - Policy statements
    - Annual crime statistics
  - **Ongoing Disclosures**
    - Daily crime log
    - **Timely Warning Notification**/Emergency Notification

# Why comply?

## It's the right thing to do

- If we are doing the right thing, we should be in compliance

Fines, and potential loss of eligibility for federal funding

- \$35,000 per violation
- Compliance with the Clery Act is a condition of CU Boulder's Program Participation Agreement with ED

Reputational Harm

# Other Requirements of the Clery Act

**Institutions with student residential facilities must also:**

- **Maintain Fire Safety information** - including fire log, annual fire report with statistics and policy statements
- **Implement missing student notification procedures**

**And all institutions must**

- **Submit crime statistics** to Department of Education (annually)



# How do we collect crime statistics?

## 1) Review police reports

- Read every report to determine if any Clery-reportable crimes

*But Clery-reportable crimes aren't likely to be reported just to police*

## 2) Review reports to the OIEC and OSC

- OIEC and OSC staff conduct these reviews

## 3) Review reports to local law enforcement

- We request statistics for our “noncampus property”

## 4) Review reports from CSAs

- “Campus Security Authorities” should be forwarding reports to CUPD, the OIEC, or OSC throughout the year



# Why the concern about crime reports to CSAs?

- Many crimes, especially sexual assaults, are not reported to police
- The Clery Act requires that we gather and publish crime data from multiple sources (including Campus Security Authorities) to ensure that students and others know about safety and security on campus

# Campus Security Authorities (CSAs)

# What is a Campus Security Authority (CSA)?

Campus Security Authorities (CSAs) are individuals on campus who are defined by their role to be a CSA

Once a crime has been reported to a CSA, CU Boulder is responsible for that crime. That means we have to:

- Determine if it must be included in annual statistics
- Assess whether a Timely Warning Notification must be issued

*Note that “Campus Security Authority” can be a misleading term.*

# What is a Campus Security Authority (CSA)?

The Clery Act requires that we gather and publish crime data from multiple sources, including Campus Security Authorities.

The law defines **four categories of Campus Security Authorities:**

- Campus police department
- Non-police security staff responsible for monitoring University property
- People and offices designated under our policy as those to whom crimes should be reported
- “Officials with significant responsibility for student and campus activities”

# How is a Campus Official Designated as a CSA?

CSAs are defined by **job function** and not by title.

## Functions

A CSA is a campus official who has significant responsibility for student and campus activities.

The law defines "significant responsibility" broadly and includes, but is not limited to:

- Student Housing
- Student Discipline and Campus Judicial Proceedings

# CSA Reporting Exemptions

- **Licensed professional mental health counselors**
- **Pastoral counselors** (employed by a religious organization to provide confidential counseling) and are **working within the scope of their license or religious assignment**.

Although licensed professional mental health and pastoral counselors are exempt from Clery Act requirements, CU Boulder encourages such counselors to tell victims about the Confidential Reporting Process if, in their judgment, it is appropriate to discuss crime reporting with this client.

Victims have the option of reporting crimes confidentially to a CSA. This means CU Boulder will keep a record that a crime occurred but will not publish any identifying information. Reports filed in this manner are counted and disclosed in the annual crime statistics.



# Reporting Requirements



# Counting Statistics

CU Boulder is required annually to disclose statistics for:

- **Clery crimes**
- That occurred on CU Boulder's **Clery geography**
- That were reported to a **CSA or local law enforcement**

A statistic is counted for the *report*, regardless of whether a person is arrested or whether there are even any investigative leads

- If a law enforcement investigation determines that the report was false or baseless, the statistic is counted as “unfounded”



# Before we get into what a CSA is required to do...

Remember that we are *only* discussing the obligations of a CSA

Many people on campus have obligations from various places

- **Title IX responsible employee**
- **State law**
- **Department requirements/expectations**

# What is a CSA required to report?

CU Boulder must report statistics for certain crimes that occur in certain geographical locations associated with the institution.

This means that CSAs are required to report to CUPD **any report** of:

- a **Clery crime** that
- occurred on CU Boulder's **Clery geography**

This is true regardless of

- *when* the incident occurred
  - A statistic is reported for the year in which the crime was *reported*
- *who* was involved
  - An incident must be reported even if no one involved is affiliated with CU Boulder

# What is a “Clery Crime”?

## Four “buckets”:

1) Criminal Offenses

2) Hate Crimes

3) VAWA Offenses

4) Arrests and Referrals for Disciplinary Action

**\*\*For a single incident, we must report a statistic for each applicable bucket\*\***

*e.g. If a student reports she was raped by her long-term boyfriend while he was high on illegal drugs, and he is arrested for the drug law violation, we would report a statistic for:*

*1 rape incident (Criminal Offense)*

*1 domestic violence incident (VAWA Offense)*

*1 arrest for drug law violation (Arrests and Referrals)*

# What is a “Clery Crime”?

## 1) Criminal Offenses

### *Incidents of:*

- **Criminal homicide**
  - Murder
  - Manslaughter
- **Sex offenses**
  - Rape
  - Fondling
  - Incest
  - Statutory rape
- **Aggravated assault**
- **Robbery**
- **Burglary**
- **Motor vehicle theft**
- **Arson**

# What is a “Clery Crime”?

## 2) Hate Crimes

### *Incidents of:*

- Any of the “Criminal Offenses”
- Any of the “VAWA Offenses”
- Larceny, simple assault, vandalism, or intimidation
- Any other crime causing bodily injury

### **IF:**

- **Motivated by the victim’s actual or perceived:**
  - Race
  - Religion
  - Gender
  - Gender identity
  - Sexual orientation
  - Ethnicity
  - National origin
  - Disability

# What is a “Clery Crime”?

## 3) VAWA Offenses

### *Incidents of:*

- **Dating Violence**
- **Domestic Violence**
- **Stalking**

*Note that for other purposes in the Clery Act, Sexual Assault is considered a VAWA offense. However, for the purpose of counting statistics, Sexual Assault statistics are counted under “Criminal Offenses”*

# What is a “Clery Crime”?

## *Arrests and Referrals for Disciplinary Action for:*

- **Violation of weapon laws**
- **Violation of drug laws**
- **Violation of liquor laws**

# What is “Clery Geography”?

## “Campus”

- What we think of as our **main campus**
- Separately report incidents that occurred in **on-campus housing facilities**

## “Noncampus property”

- Property owned or controlled by CU Boulder that is **frequently used by students** and **supports the institution’s educational purposes**, but is not “reasonably contiguous” to main campus
- Includes property owned or controlled by a recognized student organization (e.g. sorority houses)

## “Public property”

- Publicly owned property that is **within** campus or **immediately adjacent to and accessible from** the campus (e.g. streets, sidewalks)

# More on “noncampus property”

**Noncampus property** includes property that meets all of the following criteria:

- Owned or controlled by the institution
- Supports or is used for the institution’s educational purposes
- Frequently used by students
- Not considered part of core campus (not “reasonably contiguous”)

*Note that under this definition, noncampus property can include property outside of Boulder, and indeed outside of the United States*

# Reporting Depends on Location

## Determine whether the crime occurred on CU Boulder Clery geography!

If someone reporting to you is uncomfortable sharing specific details, try to ask enough questions to understand whether CU Boulder must report the incident:

- ***“Were you at home on break?”***
- ***“Did this happen in your student housing?”***

# Reporting an Incident

When someone reports an incident to you, determine:

1. Is this a **Clery crime**?
2. Did this occur on CU Boulder's **Clery geography**?

# Reporting an Incident

## A Campus Security Authority is required to:

- Get the facts - When, what, where, who, etc.
- Report all Clery crimes that occurred on CU Boulder's Clery geography immediately to CUPD so the campus can comply with Timely Warning Notification requirements and have accurate crime statistics for the Annual Security Report
- Inform victims of their options, including confidential reporting options and offer referrals to resources

# Reporting an Incident

## Important Questions to Ask

- Is a violent crime in progress? (If so, call police immediately!)
- Has the victim sought or is the victim in need of assistance/services?
- What happened? How, when, and where did it happen? Is there an identified suspect?
- Has the incident been reported to police or to another CSA?
- Does the victim wish to remain anonymous?

# Reporting an Incident

**For emergencies & crimes in progress, call 911**

For non-emergency situations, call CUPD at  
(303) 492-6666

Victims can also contact the CU Office of Victim  
Assistance (OVA) at (303) 492-8855  
*(Confidential reporting)*

# Reporting an Incident – Next Steps

**For crimes that are not immediately reported to CUPD, a Campus Security Authority is required to:**

- Complete a Crime Reporting/Incident Form

<https://police.colorado.edu/CleryCSAreporting>

- Describe the incident/crime as completely and accurately as possible

There is no need to make a judgment about or investigate what happened; just **get the facts**

**Note:** If the victim reports a crime but wishes to remain anonymous, the CSA must still submit a Crime Incident Report (but does not need to identify the victim)

# Reporting an Incident

**Timely reporting is critical!**

# Final Review and Wrap Up

- The Clery Act requires CU Boulder to make disclosures regarding certain policies and crime statistics
- A CSA is required to:
  - Collect basic facts
  - Report Clery crimes promptly
  - Inform victims of confidential reporting options
  - Offer victims referrals to resources
- CSAs play an important role in ensuring that CU Boulder reports *accurate statistics*
- By reporting Clery crimes promptly, CSAs play an important role in ensuring that CU Boulder meets its requirement to issue *Timely Warning Notifications*

# Questions?

**You can get additional information and advice from your campus  
Clery Compliance Officer**

## **Patrick Warwick-Diaz**

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Clery Compliance and Crime Analyst

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- Guidance is also available in the U.S. Department of Education Handbook for Campus Safety and Security Reporting.

<http://www2.ed.gov/admins/lead/safety/handbook.pdf>

# Thank You for Attending!

